1	DOMINIC AND TRACY							BEF	ORE T	HE					
2	TOTARO, PETITIONERS						*	PLANNING BOARD OF							
3	ZONING BOARD CASE ZB 1072M							HOV	HOWARD COUNTY, MARYLAND						
4	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
5		MO	TION:	To r	ecomm	end de	nial of t	he petiti	on in a	ccorda	nce with	h the D	epartme	nt of	
6				Plan	ning a	nd Zon	ing reco	ommend	ation.						
7		ACT	TION:	Rece	ommen	ded De	nial; Vo	ote 3 to 0	•						
8	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
9		On N	May 28,	2009, t	he Plar	ning B	oard of	Howard	County	, Mary	land, co	nsidere	d the pe	tition	
10	of D	ominic	and Trac	cy Tota	ro for a	an amei	ndment 1	to the Zo	ning M	lap to r	ezone 0	.6351 a	cres froi	n the	
11	R-SC District to the B-1 District, with site plan documentation for an office/retail building.														
12	The Petitioner was represented by Fred L. Coover, Esquire. Also present and representing the														
13	Petitioner was Robert Vogel and Kate McCullough. Dennis Thorton, Myra Phelps, and Laura														
14	Sulli	van tes	tified in	opposi	tion to	the peti	ition.								
15	The petition, the Department of Planning and Zoning Technical Staff Report and														
16	Recommendation, and the comments of reviewing agencies, were presented to the Board for its														
17	consideration. The Department of Planning and Zoning recommended denial of the petition based														
18	on findings that there is insufficient evidence to justify a rezoning of the property on the issues of											of			
19	Char	nge or N	⁄iistake.												
20	Mr. Vogel stated that he believes the property is not appropriate for residential uses due to its											e to its			
21	proximity to US 1, and in his opinion is not suitable for the Conditional Use categories allowed in											d in			
22	the R-SC District. He maintained that it was a mistake to not consider the property for an														
23	amendment in the 2004 Comprehensive Zoning Plan. Ms. McCullough, as the architect of the														
24	prop	osed bu	ilding, c	lescrib	ed how	the bui	ilding ca	n be cor	npatible	e with t	he char	acter of	the hou	ses in	
25	Sava	ıge.													
26		Den	nis Thor	ton sta	ted that	there i	s enougl	h conver	nience r	etail in	Savage	. Myra	Phelps s	stated	
27	that	that there is already a problem with traffic on Howard Street near the US 1 intersection. Laura													
28	Sulli	Sullivan agreed that the traffic situation at the US 1 intersection is already bad, and she noted that													
29	the t	the two residential properties adjoining the subject property don't seem to be negatively affected by										ed by			
30	the relative nearness of US 1.														

Mr. Rosenbaum commented that he finds no evidence of change in the neighborhood since the 2004 Comprehensive Zoning Plan, and the Petitioners have not shown that there was a distinct mistake made in the current zoning. He stated that a piecemeal amendment is not appropriate because the zoning for the property should be considered on a comprehensive basis. Mr. Yelder said that when one considers that the adjoining residential properties are also zoned R-SC, the fact that the subject property is zoned R-SC can't be a mistake, although he questioned whether the property really could be used for a residential use. Mr. Grabowski agreed that he does not find any proof of change, and that the County Council not specifically considering the property during the 2004 Comprehensive Zoning Plan is not a mistake.

Mr. Rosenbaum made the motion to recommend denial of the petition in accordance with the Department of Planning and Zoning recommendation. Mr. Yelder seconded the motion. The motion passed by a vote of 3 to 0. Due to the recommendation for denial of the map amendment request, no recommendation was made concerning the proposed site plan documentation.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 11th day of June, 2009, recommends that Zoning Board Case No. ZB 1072M, as described above, be DENIED.

HOWARD COUNTY PLANNING BOARD
Vend Subali
David Grabowski, Chairman
Jary Rosen Dawn Jam
Gary Rosenbaum, Vice-Chair
ADOLDIA
ABSENT
Tammy J. CitaraManis
ABSENT
Linda A. Dombrowski
Canlle
Raul Yelder

ATTEST:

Marsha S. McLaughlin, Executive Secretary